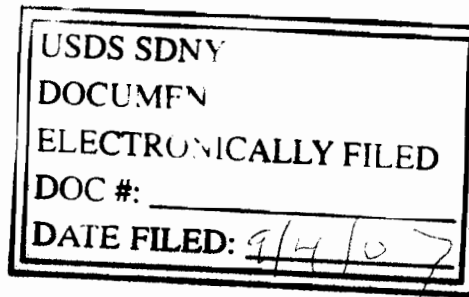


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Management, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**COHEN & STEERS CAPITAL  
MANAGEMENT, INC.,**

**Plaintiff,**

**v.**

**MALTUZI LLC,**

**Defendant.**

**NOTICE OF DISMISSAL  
WITH PREJUDICE**

**Civil Action No. 07 Civ. 5793 (JGK)**

Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiff Cohen & Steers Capital Management, Inc. hereby dismisses the captioned action with prejudice. Defendant Maltuzi LLC has not appeared in the action, and the parties amicably have resolved the matters in dispute.

Dated: New York, New York  
August 24, 2007

Respectfully submitted,

GIBBONS P.C.

By

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**SO ORDERED:**